

DELTA PROTECTION COMMISSION

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May 10, 1996

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: REVISED Staff Report and Preliminary Staff
Recommendation for SACRAMENTO COUNTY

Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the plan:

- a. consistent with the regional plan (Land Use and Resource Management Plan for the Primary Zone of the Delta [Delta Plan]).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.

- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Revised Sacramento County Submittal:

~~Rob Burness, Senior Planner, submitted a revised submittal~~
dated April 10, 1996 (see attachment). The current
submittal proposes to:

- (1) adopt the Delta Plan into the General Plan by resolution;
- (2) adopt an amendment to language in the Open Space Element which references the Delta Plan as part of the General Plan both in text and diagram; and
- (3) add a document entitled "Components of the General Plan" to the County General Plan that includes the Delta Plan as a policy document within the County General Plan.

Description of Lands within the County:

Sacramento County sweeps through the northern half of the Delta, from I-5, southwest to the confluence of the Sacramento and San Joaquin Rivers covering about 95,000 acres, approximately 20 percent of the Primary Zone (see attached map). Islands and tracts include: Pierson District, Sutter Island, Grand Island, McCormack Williamson Tract, Tyler Island, southern half of Brannan-Andrus Island, Twitchell, and Sherman Island. The northern half of Brannan-Andrus Island is in the Secondary Zone. The State of California owns much of the southernmost part of the County, including most of Sherman and Twitchell Islands, and Brannan Island State Recreation Area.

Existing General Plan:

Sacramento County adopted a General Plan in December, 1993. The Plan identifies future growth areas, which are **out** of the Delta. The County's adopted Urban Service Boundary does not pass west of I-5. Most of the Delta is designated as Agricultural Cropland. Areas of low density residential use are located in the existing communities of Hood, Courtland, Locke, and Walnut Grove. Small areas are identified as Intensive Industrial and Extensive Industrial use. Recreational uses are designated at the north tip of Sherman Island, Brannan Island State Park, eastern Andrus Island, the area west of Island, and the area between the Cross Channel and Locke. Areas of Natural Reserve include: Lost Slough, Sherman Island Wildlife Area, the west tip of Grand Island, Stone Lakes, Delta Meadows, and the levees along several sloughs (Snodgrass, Sevenmile, and Steamboat Sloughs).

The Agricultural Element promotes protection of agricultural land using mitigation to provide in-kind protection when agricultural land is developed, promotes use of mitigation banks and natural resources preserves, promotes buffers, and minimum parcels sizes based on soil types (Classes I and II: 40 acres; Classes III and IV: 80 acres).

Sacramento County has adopted a special plan for the Delta area. The Delta Community Area Plan, adopted in 1983, designates most of the Delta as permanent agricultural land in 80, 40, and 20 acre minimum parcels. A Special Planning Area is located on Andrus Island focusing on recreational development; additional small areas are designated Commercial Recreation. The areas around Stone Lake, Snodgrass Slough, Delta Meadows, tip of Grand Island, Brannan Island State Park, and the islands at southern Sherman Island are designated Recreation, with a Flood overlay.

Existing Zoning:

The zoning ordinance allows minimum parcels of 20 acres, 40 acres, and 80 acres in the agricultural areas. There are some inconsistencies between the zoning ordinance and the General Plan; some areas zoned 20 acre minimum parcel are Class I or Class II soils designated minimum parcel size of 40 acres in the new General Plan. The existing communities are zoned low density residential (1 to 12 dwelling units per acre).

Proposed General Plan Amendments:

The County proposes to amend the County General Plan to:

- ~~(1) adopt the Delta Plan into the General Plan by~~ resolution;
- (2) adopt an amendment to language in the Open Space Element which references the Delta Plan as part of the General Plan both in text and diagram; and
- (3) add a document entitled "Components of the General Plan" to the County General Plan that includes the Delta Plan as a policy document in the County General Plan.

Analysis in Comparison with the Commission's Adopted Delta Plan:

A detailed analysis dated September 15, 1995, prepared by Peter Morse was mailed to the Commission for discussion at a public hearing at the October 26, 1995 Commission meeting. The County's April 10, 1996 staff report indicated there was only one policy in conflict with the General Plan; Utilities and Infrastructure Policy P-3. The County declines to address the inconsistency at this time as the Policy has been set aside as a result of a lawsuit.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The County's proposed General Plan amendment to incorporate the Delta Plan into the County General Plan by reference, would result in no additional environmental impacts beyond those outlined in the environmental analysis prepared in support of the Commission's adoption of the Delta Plan in February of 1995.

Preliminary Staff Analysis:

Subject to receiving public comments, staff's preliminary analysis is that the proposed amendments appear to be consistent with Section 29763.5 of the Delta Protection Act.

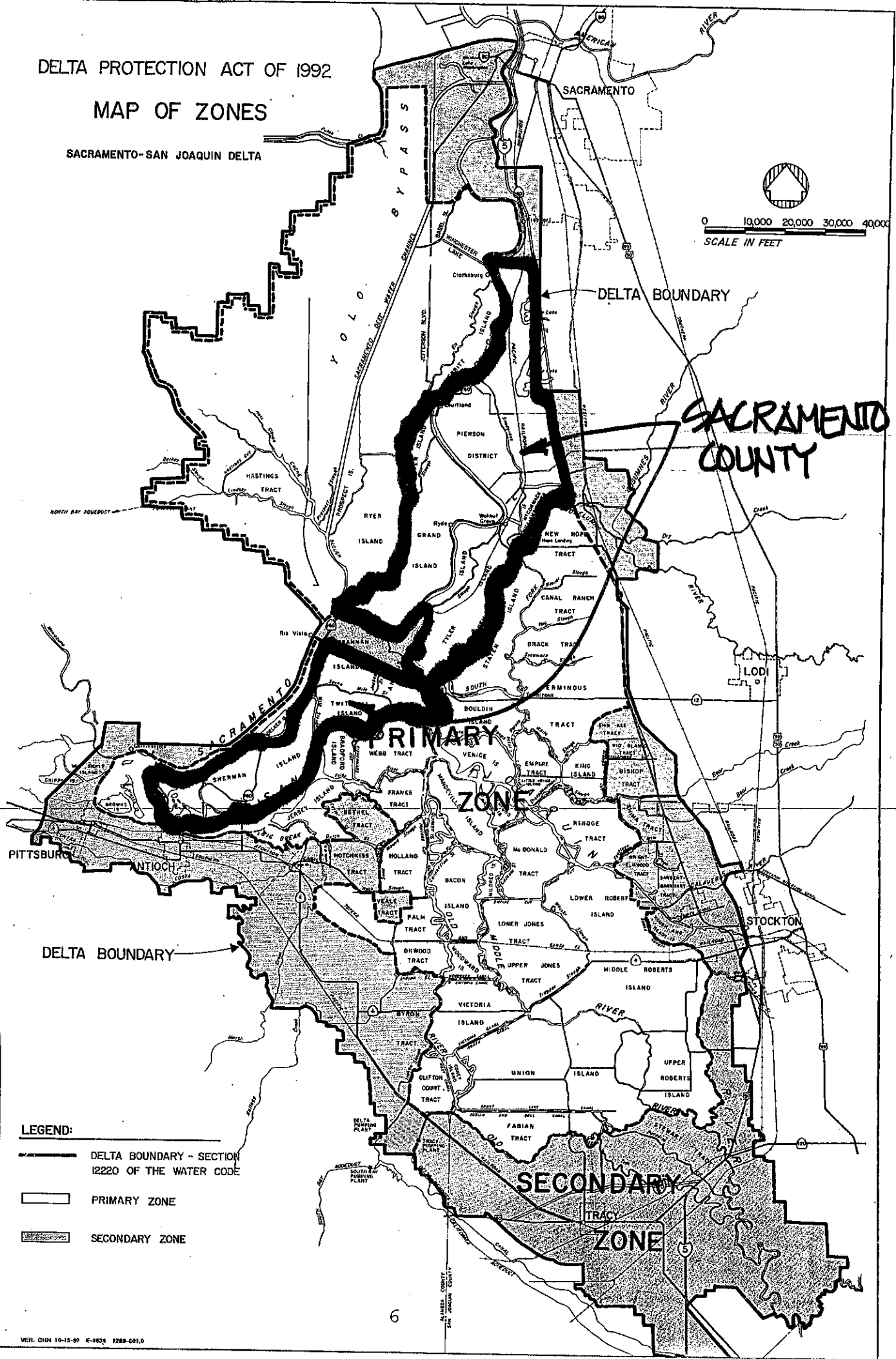
Preliminary Staff Recommendation:

Subject to further public comment at or before the continued public hearing on May 23, 1996, staff is prepared to recommend the Commission adopt the attached draft resolution finding the County's submittal in conformance with the Delta Protection Act.

DELTA PROTECTION ACT OF 1992

MAP OF ZONES

SACRAMENTO-SAN JOAQUIN DELTA

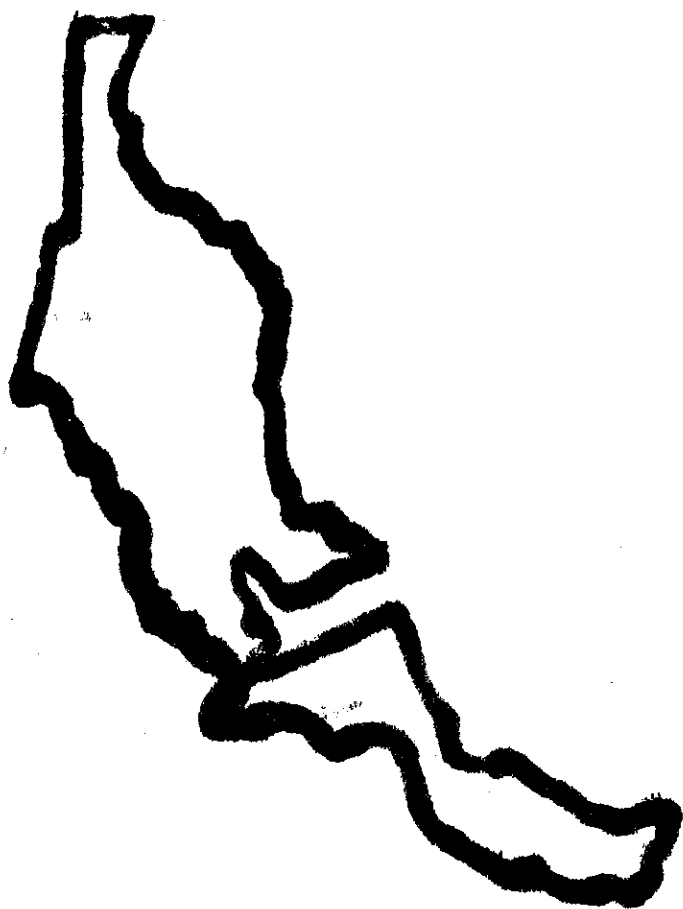


LEGEND:

DELTA BOUNDARY - SECTION 12220 OF THE WATER CODE

PRIMARY ZONE

SECONDARY ZONE



DRAFT

RESOLUTION OF ADOPTION OF SACRAMENTO COUNTY SUBMITTAL

WHEREAS, the Delta Protection Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Delta Plan) on February 23, 1995; and

WHEREAS, the Delta Protection Act requires that within 180 days of the adoption of the regional plan all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 of the Act with respect to land located within the Primary Zone; and

WHEREAS, the County Planning Department staff submitted a letter dated August 18, 1995; a detailed analysis comparing the County General Plan with the Delta Plan and memo dated September 15, 1995; and a revised submittal dated April 10, 1996; and

WHEREAS, the revised submittal described in the April 10, 1996 submittal includes: adopting the Delta Plan into the General Plan by resolution; adopting an amendment to language in the Open Space Element which references the Delta Plan as part of the General Plan both in text and diagram; and adding a document entitled "Components of the General Plan" that includes the Delta Plan as a policy document; and

WHEREAS, the Delta Protection Act requires that the Commission act on proposed general plan amendments within 60 days of submittal; and

WHEREAS, public hearings and discussion were conducted at the Commission meetings of September 28, 1995; April 25, 1996; and May 23, 1996; and

WHEREAS, before adopting the proposed general plan amendments, the Commission is required to make the following findings:

- (a) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.

(b) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.

(c) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.

(d) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(e) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(f) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(g) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(h) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(i) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(j) The general plan and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

(k) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

WHEREAS, upon receipt of the Sacramento County proposed general plan amendments, Commission staff prepared a staff report and preliminary recommendation to the Commission, including an analysis of the proposed amendments in comparison to the plan and an analysis identifying any potentially significant adverse environmental impacts resulting from the proposed which were not previously addressed in the Commission's planning documents; and

WHEREAS, notice of the availability of the staff report, revised staff report, and staff recommendation was provided to the public through a notice published on September 15, 1995, and a second notice published on April 23, 1996, both in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area; and

WHEREAS, Commission staff has consulted with all public agencies which have jurisdiction by law over the activities or resources affected by the proposed general plan amendments; and

WHEREAS Commission staff has prepared a written summary and response to all significant environmental points raised during the Commission's evaluation of the proposed general plan amendments and the summary and response were presented to the Commission for consideration and approval prior to or at the same time as the Commission considered the proposed general plan amendments for approval; and

~~WHEREAS the Commission has determined that the proposed general~~
plan amendments will not result in any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Commission finds that findings (a) through (k), above, regarding the proposed general plan amendments of Solano County satisfy the requirements of Public Resources Code Section 29763.5;

THEREFORE BE IT RESOLVED, the Delta Protection Commission has approved, by a majority vote of the Commission membership, the proposed general plan amendments of Sacramento County.

